<u>REMARKS/ARGUMENTS</u>

By this amendment, Claims 16-22, 25, and 26 have been amended. No claims have been added or canceled. Hence, Claims 1, 2, 6-22, 24-26 and 28-36 are pending in the application. The amendments to the claims do not add any new matter to this application. All issues raised in the Office Action mailed March 12, 2007, are addressed hereinafter.

STATEMENT OF SUBSTANCE OF INTERVIEW

On May 17, 2007, a telephonic interview was held with the Examiner and Applicants' representatives, Robert Chee and Brian Hickman. Applicants discussed proposed claim amendments to Claims 22 and 24-26 with respect to the cited art. Examiner has agreed to review the proposed amendments when filed with a request to continue examination (RCE), included herein.

INFORMALITIES

Claims 16-21 were amended in the last Response incorrectly. Specifically, Claims 16-21 were amended as follows "The computer-<u>readable medium</u> ~~program product~~ *program product* of claim ..." (italics added). The italicized, or second occurrence of, "program product" should not have been included. To correct this error, Claims 16-21 have been amended to remove "program product".

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 22, 24-26 and 28 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point our and distinctly claim the subject matter which

applicant regards as the invention. More specifically, independent Claims 22 and 25 recite the

limitation "in response to said audio manipulation" where no prior audio manipulation step

occurred. Claims 22 and 25 have been amended to recite "in response to said audio manipulation

request".

The Office Action also alleges that the claims are further obfuscated by the use of the

term "specific synthesis treatment." Claims 22 and 25 were incorrectly amended in the last

Office Action and have been amended in this response to recite "in response to said audio

manipulation request, performing the requested audio manipulation and processing sound for said

given instrument using the specific synthesis treatment that is specified by said data." Claims 22

and 25 were to have read that the audio file has the requested audio manipulation performed and

then processing sound for said given instrument using the specific synthesis treatment as stated on

lines 13-20 of page 33 of the Written Specification. This rejection is therefore overcome.

CLAIMS 22, 24-26 AND 28 ARE DISTINGUISHABLE FROM THE PRIOR ART

Claims 22, 24-26, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by

ACID User Manual from Sonic Foundry, Inc. ("*ACID*").

Applicants respectfully traverse.

Each of the pending claims recites one or more elements that are not disclosed, taught, or

suggested by the cited art.

Claim 22

Claim 22, as amended, recites:

A method for manipulating audio data comprising:

obtaining an audio manipulation request associated with an audio waveform;

determining that **an audio file comprising sample data associated with said audio waveform also comprises data that sets forth a specific synthesis treatment to be used for processing sound for a given instrument, wherein said audio file specifies the instrument for which said specific synthesis treatment is to be used**; and

in response to said audio manipulation request, **performing the requested audio manipulation and processing sound for said given instrument using the specific synthesis treatment that is specified by said data**. (emphasis added)

At least the above-bolded portion of Claim 22 is not disclosed, taught, or suggested by *ACID*.

Claim 22, requires, among other things, "determining that an audio file comprising sample data associated with said audio waveform also comprises **data that sets forth a specific synthesis treatment to be used for processing *sound* for *a given instrument*, wherein said audio file specifies the instrument for which said specific synthesis treatment is to be used**" (emphasis added). The limitation that an audio file "also comprises data that sets forth specific synthesis treatment to be used for processing sound for a given instrument" is not taught or disclosed in *ACID*. The Office Action alleges that *ACID* teaches or discloses this limitation as envelope data. *ACID* states that an envelope may be used to edit the entire track of music or a limited period of the track of music (or event), by varying volume, panning, and adding effects. However, editing with envelopes affects *all* of the sounds within the track of the music, not just the sound for a given instrument as recited in Claim 22.

A given sound refers to sound from a single instrument. In order to make clearer this distinguishing feature, Claim 22 has been amended to recite "**wherein said audio file specifies the instrument for which said specific synthesis treatment is to be used.**" Thus, the audio file specifies the instrument for which the sound is to be synthesized. *ACID* only teaches editing

11

sounds through an envelope, for the entire track or portion of a track, not a given sound from an instrument that is specified in the audio file. Thus, *ACID* fails to teach that the audio file comprises data that sets forth specific synthesis treatment to be used for processing sound for a given instrument.

Claim 22 also recites "determining that **an audio file comprising sample data associated with said audio waveform also comprises data that sets forth a specific synthesis** to be used for processing sound for a given instrument, wherein said audio file specifies the instrument for which said specific synthesis treatment is to be used" (emphasis added). The limitation that an audio file comprises said audio waveform *also* comprises data that sets forth specific synthesis treatment is not taught or disclosed in *ACID*. The Office Action alleges that ACID teaches or discloses this limitation if the audio file contains envelope data. However, envelope data in *ACID* is stored in a file *separate* from the audio file (*ACID*, p. 66). Thus, *ACID* fails to teach that the audio file comprises both the audio waveform and a specific synthesis treatment or that both the audio waveform and the data for a synthesis treatment may be stored in a single file.

As at least one element recited by Claim 22 is not disclosed, taught, or suggested by *ACID*, it is respectfully submitted that Claim 22 is patentable over the cited art and is in condition for allowance.

<u>Claim 25</u>

Independent Claim 25 includes the same limitations as recited in Claim 22 of "means for determining that an audio file comprising sample data associated with said audio waveform also comprises data that sets forth a specific synthesis treatment to be used for processing sound for a given instrument, wherein said audio file specifies the given instrument for which said

specific synthesis treatment is to be used; and means for responding to said audio manipulation -

request by performing the requested audio manipulation and processing sound for said given

instrument using the specific synthesis treatment that is specified by said data."

As a result, the arguments presented for Claim 22 above also apply to Claim 25. As

ACID fails to teach or disclose every element of Claim 22, *ACID* also fails to teach or disclose

every element of Claim 25. The rejection of Claim 25 is traversed and reconsideration of the

rejection on Claim 25 is respectfully requested.

<u>Claim 26</u>

Claim 26 recites:

A file stored on a computer readable medium, **said file containing both**
(a) sample data associated with an audio waveform; and
(b) data that sets forth a specific synthesis treatment to be used for processing a given
sound. (emphasis added)

At least the above-bolded portion of Claim 26 is not disclosed, taught, or suggested by

ACID.

Claim 26 recites that "**a file… said file containing both (a) sample data associated with**

an audio waveform; and (b) data that sets forth a specific synthesis treatment." Both data

associated with an audio waveform *and* data that sets forth a specific synthesis treatment are in **a**

file. In *ACID*, envelope data (that is analogized as synthesis data in the Office Action) is stored in a

file *separate* from the audio file (*ACID*, p. 66). Furthermore, *ACID* project files, that contain all

information about a single project, are also stored separately from the audio file (*ACID*, p. 67). One

may store the *ACID* project file with external audio, but this merely keeps the project file with the

external file in the *same folder*, *not one file* as recited in Claim 26. As at least one element recited

by Claim 26 is not disclosed, taught, or suggested by *ACID*, it is respectfully submitted that

Claim 26 is patentable over the cited art and is in condition for allowance.

DEPENDENT CLAIMS

Claim 24 is a dependent of independent Claim 22. Claim 28 is a dependent of

independent Claim 26. These dependant claims also include the limitations of claims upon

which they depend. These dependant claims are patentable for at least those reasons the claims

upon which the dependant claims depend are patentable. Thus reconsideration of the rejection on

these claims is respectfully requested.

For the reasons set forth above, it is respectfully submitted that all of the pending claims

are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is

believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is

believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

/RobertSChee/_____

Robert S. Chee

Reg. No. 58,554

2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1213
Date: June 12, 2007

Facsimile: (408) 414-1076